

SPEAHRhead

BULLETIN of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS

“Dissent may not always be pleasant to listen to, and it is inevitable that it will sometimes be misguided. But it is everyone’s sovereign right. Indeed, when government is seen as defective or unreasonable, criticizing it is an unshirkable duty. Only through the people’s criticism and supervision of the leadership can mistakes be minimized and government prevented from running roughshod over the masses. Then, and only then, can everyone breathe freely.

“The Marxism I have opposed is in no way the Marxism of Marx and Engels. Marxism’s fate has been similar to that suffered by a number of religions. With the passage of time, the revolutionary substance is quietly abandoned, while the doctrines are selectively adapted by those in power as tools to deceive and enslave.

“China’s struggle for democracy is bound to provoke resistance, but I am prepared to make any necessary sacrifice.”

—Wei Jingsheng

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SPEAHR seeks to advance the cause of human rights in China, Taiwan, Mongolia, North and South Korea, and among the Asian Ethnic minorities in the Soviet Union.

We view the struggle to promote human rights as virtually synonymous with the struggle to promote non-violence. Our conception of non-violence is a broad one. It is as violent to permit people to starve as it is to torture them. It is as violent to imprison people because of their beliefs as it is to kidnap them for ransom.

We are confident that the best solutions to the many social and economic problems will emerge from within these societies, once the various political groups interact non-violently—i.e., respect each other’s human rights. We are convinced that ruling groups waste much of their nation’s resources and human energy when they attempt to eliminate dissent. And when a particular social policy is adopted simply because its advocates enjoy the preponderance of force, there is no reason to believe that the policy is more desirable than alternative policies for the people affected. Only when the issues are debated by a public with access to a range of ideas and information, do we have some reason to hope that the more socially advantageous paths will be followed by those in authority.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the General Assembly of the United Nations proclaimed this declaration as "a common standard of achievement for all peoples and all nations."

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country,

including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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Ch'en Chu: Prisoner of Conscience

Long a staunch advocate of human rights for all peoples, Ch'en Chu has served on the Board of Directors of SPEAHR/International almost since the organization's founding. Naturally, her prime concern has been the rights of her fellow Taiwanese. She has been at the front line of Taiwan's struggle for democracy all of her adult life. In June 1978 she was arrested for possession of "reactionary documents"—namely articles about political reform and a list of political prisoners. On that occasion she was only held for two weeks, after which she was released in part because of strong international pressure. However, she was arrested again in December 1980 because of her involvement in the Kaohsiung Human Rights Rally (see *SPEAHRhead* 9), convicted of "sedition," and sentenced to a twelve-year term. She is currently being held in the Taiwan Experimental Institute for Production Education.

Now 31 years old, Ch'en Chu was born and raised in the agricultural town of Ilan, where her family had lived for several generations. Education beyond the elementary level was unusual in the case of girls, but Ch'en Chu was a person of uncommon determination. At the age of 19 she left Ilan to attend Taipei's World College of Journalism. During her college years she became an admirer of various leaders of Taiwan's Democratic movement, particularly Chang Chun-hung, then the editor of a bold magazine called *Intellectual*. (Chang was imprisoned at the same time that Ch'en Chu was, and the magazine has been taken over by elements close to the secret police.) Before she graduated from college she began working as the secretary to elder statesman Kuo Yu-hsin. She continued to serve him as aide in Taiwan after he was driven into exile in 1977.

Ms. Ch'en was never one of Taiwan's more conspicuous political figures, at least until the Nationalists put her on trial as one of the "Kaohsiung Eight." Her style was to work quietly behind the scenes. Although she liked to think of herself as a "grassroots" political worker, she was tireless and effective. She was driven by a deep conviction that the maintenance of martial law over her people did them a grave injustice. The solution, she believed, was to organize the people to support independent political candidates. One particularly crucial function which she served was to orchestrate the publication of dissident writers' works. Though they did not bear her name, many a book or article was published through her efforts. Often these were confiscated by the authorities before they could be distributed, but this only strengthened her resolve.

Never married, Ch'en Chu has often said that she was wedded to the Taiwanese struggle for a just society. She saw as her life's cause the relieving of the people's suffering. She had tremendous respect for the older generation of Taiwanese leaders, but she believed that ultimately Taiwan's fate was in the hands of the younger leaders like Chang Chun-hung. As for Taiwan's Chinese Nationalists rulers, she said she held "no remorse or animosity" toward them.

When her long period of incarceration began, she was philosophical. "Prison is the last repository for men and women of conscience."

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We are pleased to receive articles and information. Materials will not be returned unless U.S. postage and an address label are provided.

The Trial of Wei

During the liberalization which China enjoyed during the winter of 1978-1979, one of the better-known dissidents challenged Vice Premier Deng Xiao-ping's assertion that China only needed "four modernizations" (i.e. economic and military modernization). Wei Jingsheng, the editor of Exploration Magazine, asserted that in addition, China needed a "fifth modernization," namely, democracy.

In October 1979, Mr. Wei was tried and convicted as a "counterrevolutionary" who had "supplied a foreigner with state military information."

We have obtained an unofficial transcript of Wei's trial. It will appear in this and the following issue of SPEAHRhead.

Wei Jingsheng is currently serving a fifteen-year prison sentence in Beijing Prison No. 1. It is reported that he is confined to his cell at all times, and cannot receive visits even from his family.



Wei Jingsheng as shown in a photograph taken around 1970, when he was a soldier in the People's Liberation Army.

Our version is based on two different translations, released by Amnesty International and U.S. Joint Publications Research Service (74764). The Amnesty International text was derived from a French version which appeared in *Paris-Pékin*, Nov.-Dec. 1979, and English portions in *Issues and Studies*, March 1980, and *Harpers and Queen*, April, May and June 1980. The JPRS version is a direct translation from the dissident Chinese journal *April Fifth Forum*, Oct. 21, 1979.

Judge: Today the Intermediate People's Court of Peking municipality initiates proceedings against Wei Jingsheng on a charge of counterrevolution brought by the Office of the Procuratorate of Peking municipality. Bring in the accused Wei Jingsheng.

What is your name?

Wei: Wei Jingsheng.

Judge: Do you have any other names?

Wei: I have a pen name—Jin Sheng.

Judge: What is your present age?

Wei: I am 29 years old.

Judge: What is your family status [i.e., social origin]?

Wei: A revolutionary cadre family.

Judge: What is your class status?

Wei: Student status.

Judge: What is your ethnic group?

Wei: Han [Chinese].

Judge: Your place of birth?

Wei: Chao County in Anhui Province.

Judge: Where is your home now?

Wei: My address is No. 2, Lane 4, off Bu Wai North Street in Xicheng district in Peking.

Judge: What level of education did you attain?

Wei: I am a graduate of junior middle school.

Jingsheng

Judge: Where do you work?

Wei: I work in the administrative offices of Peking Municipal Parks.

Judge: What work do you do there?

Wei: Electrical maintenance.

Judge: Have you ever belonged to the Party or other organizations?

Wei: No—well I did join the Youth League but I am no longer a member.

Judge: Were you ever the object of disciplinary action?

Wei: No.

Judge: By disciplinary action I include action taken at administration level, disciplinary measures and legal action.

Wei: No.

Judge: Were you ever the object of disciplinary action within the league?

Wei: I was placed on probation within the League.

Judge: When were you taken into custody?

Wei: March 29 this year [1979].

Judge: Were you ever held in custody prior to your arrest on March 29?

Wei: No.

Judge: Today the Intermediate People's Court in the city of Peking formally commences the trial of the case of counterrevolution brought against Wei Jingsheng by the Peking People's Procuratorate. The court comprises the following members: Judge Luo Kejun of Peking Intermediate People's Court is presiding, while the assessor judges Shi Yingxian and Liu Wensheng constitute the collegiate bench. Court clerk Liu Yanxia will be responsible for recording the proceedings. Today the prosecution will be represented by Zhang Fengge, Procurator at the Peking People's Procuratorate and by Gao Wenyu, Deputy Prosecutor. As the law provides, you have the right to request any judge, court clerk or member of the procuratorate to be dismissed from this court—that is to say, in the event of there being any court member prejudicial to your case who cannot try you impartially and fairly, you then have the right to request that person's dismissal and replacement by a competent substitute.

Wei: This is not necessary.

Judge: You request no substitution of the members of the court, then?

Wei: It is not necessary.

Judge: You have the right of counsel in this court, and you have already stated that you do not want to entrust your defense to another person. You have the right to conduct your own defense. You have the right to put fresh evidence before the court. You have the right to express opinions about any evidence submitted to the court. You have the right to plead not guilty. You have the right to examine and debate, and undergo the court's examination and debate. Are all the above stated items concerning your rights fully clear to you?

Wei: Yes.

Judge: You understand them?

Wei: I do.

Judge: Have you received a copy of the indictment?

Wei: I have.

Judge: I now call upon the Prosecution to read the indictment before the court.

The Indictment

Public Prosecutor: The accused is Wei Jingsheng, pen-name Jin Sheng. A student, male, 29 years of age, place of birth Zhao County in Anhui Province. Now a worker at the administrative office of Peking Municipal Parks. Resident at No. 2, Lane 4, off Bu Wai North Street, in Xicheng district, Peking. After notification by Peking People's Procuratorate, the accused was arrested by the Peking Public Security Bureau on a charge of counterrevolutionary crimes and is now in custody. This case of counterrevolution on the part of the accused Wei Jingsheng was presented by Peking Public Security Bureau to the Procuratorate who examined the evidence and confirmed that there was a case to answer on the following charges:

1. He provided foreigners with our nation's military intelligence. In February 1979 the accused supplied foreigners with military information when our nation launched a defensive counterattack against Vietnam and had just commenced military action in defense of our national border areas. This military intelligence included the name of our nation's commander-in-chief of the forces committed in the action, the numbers of troops taking part in the action, the progress of the fighting as well as the number of casualties. Wei Jingsheng betrayed his fatherland by providing foreigners with such information and committed the crime of counterrevolution stipulated in Article 6 of the Regulations Regarding the Punishment of Counterrevolutionaries.

2. He spread counterrevolutionary propaganda and agitation. The accused Wei Jingsheng did this through the medium of writing counterrevolutionary articles and by supervising the editing of the counterrevolutionary publication *Exploration*. Between the months of December 1978 and February 1979 he wrote such articles as "Democracy: The Fifth Modernization" and "Human Rights, Equality and Democracy," etc., propagating and inciting the overthrow of the dictatorship of the proletariat and our socialist system.¹ He distributed these publications in both the cities of Peking and Tianjin.

Article 2 of the Constitution stipulates that Marxism-Leninism and Mao Zedong Thought are the guiding ideology of the People's Republic of China. However, Wei Jingsheng slandered Marxism-Leninism and Mao Zedong Thought when he said that it was an

1. Translations of the two named essays appear as documents 12 and 30 in James D. Seymour, ed., *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (Pine Plains, N.Y.: Earl Coleman Enterprises, 1980). The first essay was reprinted in *The Phoenix*, VIII:1-2.

“even more brilliant piece of quackery than any of the old itinerant pox-doctors’ panaceas.” The first article of our Constitution stipulates: “The People’s Republic of China is a socialist state under the Dictatorship of the Proletariat led by the working classes with the alliance of worker and peasant as its basis”; article 56 stipulates that all citizens must support the Communist Party’s leadership, uphold the socialist system, safeguard the unity of the fatherland and national unity, and abide by the Constitution and law. Wei Jingsheng, however, vilified our country’s system of proletarian dictatorship by saying that it is a system of feudal monarchism in the guise of socialism. He incited the masses no longer to trust the stability and unity of dictatorship, nor to serve as tools for modernization or of dictators’ ambitious aggrandizement. Further, he told the masses not to cherish illusions about their rulers but called upon the people to focus their fury on the evil system responsible for the masses’ miserable lot, and to wrest the reins of government from the hands of their lords and masters.

Article 2 of the Act for the Punishment of Counterrevolution stipulates: “All counterrevolutionary criminals whose goal is to overthrow the people’s democratic regime or to undermine the people’s democratic cause shall be punished in accordance with this Act.” Our people’s democratic regime is none other than the dictatorship of the proletariat and according to the law all actions which have as their aim the overthrow of the socialist system and the political power of dictatorship of the proletariat and thereby harm the People’s Republic of China constitute counterrevolutionary acts. Wei Jingsheng propagated and incited the overthrow of our socialist system and the dictatorship of the proletariat, thereby violating Article 10 of the Act for the Punishment of Counterrevolution which defines the crime of counterrevolutionary propaganda and agitation. The evidence concerning the above crimes is clearly irrefutable. The Procuratorate recognizes that the accused Wei Jingsheng has betrayed his fatherland by supplying foreigners with our nation’s military information—thereby endangering the People’s Republic of China and violating the Constitution adopted by the National People’s Congress. Further, by his writing of counterrevolutionary articles and flaunting the banner of free speech for democracy and human rights, his counterrevolutionary propaganda incited the overthrow of the socialist system and the dictatorship of the proletariat—and this action likewise constitutes the crime of counterrevolution. In order to defend the socialist system, in order to consolidate the People’s democratic dictatorship, in order to safeguard stability and unity and ensure the smooth course of the construction of socialist modernization, and in order to suppress counterrevolutionary sabotage we ask that he be punished in accordance with the law, under Article 6 paragraph 1, and Article 10 paragraphs 2 and 3 of the Act for Punishment of Counterrevolution of the People’s Republic of China.

It is hoped that the defendant will be punished according to the law.

Cross-examination of Wei

Judge: Have you heard everything clearly?

Wei: I have.

Judge: We will now proceed with the court’s cross-examination. Wei Jingsheng, give the court a short biographical résumé of yourself. What exactly have you done in your life so far?

Wei: Shall I start with my schooling?

Judge: Yes.

Wei: From when I was seven I attended the Yuhong Primary School, until I was twelve, when I transferred to a primary school

for the children of workers in the Construction Department. When I was thirteen I passed the entrance exam for admittance into the junior middle school attached to the People’s University. My graduation from junior middle school coincided with the Cultural Revolution and after this in 1968 I was sent to work in the countryside and I worked in my native village for over a year. In the second half of 1969 I joined the army and in 1973 when I was demobilized I went to work in the place where I am currently employed.

Judge: That is to say in the administrative offices of the Peking Municipality?

Wei: Correct.

Judge: Now we shall start our cross-examination with those items in the indictment concerning the question of furnishing foreigners with military intelligence. Tell us first of all, Wei Jingsheng, with what foreigners did you have any contact? How did you get in touch with them? At what times, and at what places and about what matters did you talk? Describe the whole course of your dealings with such people.

Wei: Each one of them in turn?

Judge: Yes, tell us about each one in turn.

Wei: Well, in that case, what we are talking about is the period from the end of January until the beginning of February this year. That’s when we were working on our publication. Yes, when we were distributing the journal round Xidan² we got to know some foreigners. And besides that, we got to know others who’d contacted us by telephone. Once we got to know them we often chatted together. Well, are you asking about the whole course of our dealings with foreigners or those relevant to the indictment?

Judge: The whole course of events.

Wei: Well, if I’m to talk about that, we first got to know an Australian reporter, Thwaites. We got in touch by telephone. Then afterwards I got to know an American, and the Agence France Presse correspondent, Biannic. And an English reporter called Wade, whom Yang Guang contacted by telephone. Through them, afterwards, I got to know another from the French press agency, Peron. All these we got in contact with by telephone. There was another English reporter from Reuters called Mackenzie, and the interpreter Kuo Li. Roughly speaking, that was it.

Judge: What dealings did you have with these people?

Wei: Our dealings with them were all in connection with our Democratic Movement. They wanted to understand the situation, and we in turn wanted to find out about the reaction abroad to the Democratic Movement. In addition we wanted to read some foreign periodicals and magazines—our contact with them was primarily concerned with such aspects.

Judge: Your contacts were made in 1979 then?

Wei: January 1979.

Judge: You had regular contact with them then until you were detained in custody?

Wei: That depends how you put it. We didn’t just meet them once or twice; nor did we see each other all that often, because it wasn’t very convenient.

Judge: In the course of your contact with these foreigners what requests did you present them with?

2. “Xidan” refers to the area of Democracy Wall in Peking.

Wei: We suggested that they might be willing to buy us a typewriter because that would be useful for our printing the publication. But they said they couldn't manage that. We also asked them for publications—foreign publications. We also asked them to subscribe to our own publication, at a comparatively dearer rate, since this would be quite a boost to our funds because we had such problems financing our publication.

Judge: Was there anything else you asked for?

Wei: Yes, we wanted some magazines as well.

Judge: Foreign magazines?

Wei: Yes.

Judge: Did you ask them to give you a typewriter?

Wei: We hoped they might help us purchase one—since we Chinese nationals can't buy such things as typewriters—that is to say private individuals and ordinary Chinese citizens can't buy them. I thought of getting them to buy us a Chinese character typewriter but later they said it couldn't be done.

Judge: Apart from the typewriter was there anything else?

Wei: Apart from that nothing.

Judge: Did you ever want a tape-recorder?

Wei: Oh, yes, the tape-recorder was something else we wanted from them. When B. . . was talking with me once he asked me about a tape-recorder. "Why don't you study a foreign language?"

Wei Jingsheng: "Surely the real 'counter-revolutionaries' are those who oppose the revolutionary agenda of our era, which is democracy."

he asked. I said "First I haven't the means, secondly I haven't the time. I can't sit around listening to the radio all day long." B. . . said, "I've got several tape-recorders, I can lend you one." He lent me one.

Judge: He lent it to you then?

Wei: Yes.

Judge: When?

Wei: Some time in February.

Judge: For satisfying these requests made by you, what requests, in turn, did the foreigners ask of you?

Wei: They wanted to know more about our circumstances. Mackenzie the English reporter also once said, "From now on if you have any news you should tell me first, we have a special relationship."

Judge: What do you mean by that? In the course of your contacts with foreigners with which ones did you discuss our military secrets and present intelligence information? When was this and where was it? Tell the court about this.

Wei: You mean discussions about the front-line situation in the war with Vietnam?

Judge: In the indictment that situation was mentioned. For now, just confine yourself to this point raised in the indictment and nothing else.

Wei: I talked about it with the English reporter Mackenzie once—

about the names of the commander-in-chief at the front, and the second in command also. . .

Judge: At that time how did you come to mention that?

Wei: Well, just from hearsay I said that the commander-in-chief at the front was Xu Shiyu, and that the second in command was Yang Deshi. That was how rumor had it—so it wasn't necessarily accurate. In addition I said they were reinforcing the front-line troops. Well, not just up front—throughout the country they were calling up more soldiers than normal because of the war. For the rest I can't remember the specific details. Well, yes, I mentioned the number of casualties—that is the casualties on our side.

Judge: Right. Those are the specific details then. There's no need to go on. When did you have these discussions and under what circumstances?

Wei: This would have been the fifth day after hostilities started—or maybe the third or fourth day. About then—I can't remember the exact time.

Judge: When did you talk with that foreigner?

Wei: I was with Mackenzie in his interpreter Kuo Li's room in the Minorities Hotel.

Judge: Did you ever talk alone with the foreigners?

Wei: I talked with Kuo Li alone.

Judge: When?

Wei: When? It must have been much later on, but I don't remember clearly. Probably quite a few days after the first occasion of our meeting.

Judge: Where were you then?

Wei: That was at his place, too.

Judge: Now we shall read part of a recorded conversation between Wei Jingsheng and a certain foreigner. (*He reads aloud.*):

Foreigner: What does he do?

Wei: He does propaganda [. . . indistinct words omitted]

Foreigner: Can you get something on his circumstances—something on his family circumstances as well.

Wei: I'll write it down on paper.

Foreigner: Wouldn't it be easier just to tell me?

Wei: Well you write it down. There are two items. When you've read it give it back to me and I'll destroy it.

Foreigner: Deng Ziaoping convened a military meeting on Sunday, where it was decided to make war on Vietnam.

Wei: The meeting went on a long time, right through till the 12th or 13th.

Foreigner: Is the Commander-in-chief [Xu] Shiyu?

Wei: Yes.

Foreigner: Who is the chief of staff?

Wei: Zhang Yanfa and Yang Dezhi.

Foreigner: The troop force is at 120,000 isn't it? Big enough, but reports from foreign news agencies put it at between 100,000 and 200,000?

Wei: The troops? It's more than that, more than that. They've sent in reinforcements. It'll be 200,000, and on the increase.

Judge: [I will] not read [more]. Is this a fair record of what you said?

Wei: Possibly.

Judge: Can you try and recall whether it is or not?

Wei: There was such a conversation.

Judge: Because this impinges on matters of national security we

won't discuss it any further. But at the same time we have established from not just this piece of evidence but from our examination of Wei Jingsheng that he spoke with a foreigner. Just how did you come by the information? We launched our self-defensive counterattack on Vietnam on the 17th and you had your discussion with the foreigner on the 20th. Where did you get your information from?

Wei: Rumor and gossip. I picked up a bit here, a bit there.

Judge: Can you supply the court with specific sources?

Wei: I don't remember that too clearly, so I don't want to make wild suggestions. In any case I heard it from lots of people, not just one person.

Judge: Well, then, you do recall that at that time we were launching our defensive counterattack and that many of our soldiers were fighting a bloody engagement to repel the enemy's attack. And it was at this very time you chose to speak to a foreigner about these matters. Think about that for a moment.

Wei: Well, of course, at that time it wasn't really proper to discuss such matters, not at that particular time—at least from the point of view of traditional customs in our country, I shouldn't have done so. Besides, I didn't really think that carefully about what I was saying or that it could possibly involve matters of national security which I shouldn't have mentioned. That's all quite possible. . . in this way it was something I shouldn't have done.

Judge: You're not being nearly precise enough in what you are saying. You were in the army in 1969 and after serving a long time as a soldier surely you were aware of that most fundamental piece of general military knowledge concerning the maintenance of security? Otherwise from what you've just told us, why was it, then, that you wanted to destroy that piece of paper? And given the situation, why did you discuss the matter?

Wei: At that time I didn't think that talking about such matters would do any harm. I talked about what they asked me, and I wrote that down on paper because I didn't want the news to go any further. Besides, I wanted a memorandum of what I was going to talk about, because I thought otherwise there might be a possibility of inadvertently harming the front-line troops. So this was to make it easier for me to tell what I could talk about from what I shouldn't talk about.

Judge: If that was the case why did you immediately destroy it?

Wei: I destroyed it immediately in order to avoid any trouble. Besides, the information would otherwise have remained in his hands.

Judge: So in that case you were fully aware of just what it was you were doing?

Wei: Just because it wasn't something involving national security does not mean that it should not have been destroyed.

Judge: No, you must have known that if there had been nothing harmful about it, there would have been no need to destroy it.

Wei: I meant that I was entitled to destroy it even if it was not anything damaging, simply because I thought it might possibly be harmful to me personally, that is, spell trouble for me.

Judge: And how do you view this matter in the present light?

Wei: I've just said—it was something I shouldn't have done.

Judge: Did you or did you not divulge national military information to foreigners?

Wei: I do not consider them as constituting military intelligence.

Judge: Well, you did consider that it was not proper at the time to talk about such things, and that it might be harmful to you personally, yet you still talked about them so what was your object in taking such risks?

Wei: I had no object in mind. They were concerned about this matter—everybody was very concerned about it—so there was no harm in talking about it, or so I assumed at the time.

Judge: But were you not frightened?

Wei: Because according to our nation's traditions it was something I shouldn't have said, I still did my best to avoid telling more than I could help.

Judge: You naturally recognize that you were acting against your country's traditions then?

Wei: Of course.

Judge: And yet you still said what you shouldn't have?

Wei: According to past tradition it was something that shouldn't have been said. But I considered it made no difference if one did say it.

Judge: So however you put it, when you said it you then realized that at the very least it could have disadvantageous consequences for you. What's more, you realized that such action was contrary to our traditions. Yet in spite of this you still said it. So what, in fact, was your motive? Be accurate and truthful in your response.

Wei: Although such action was contrary to our traditions and practice, I thought that it was this particular tradition which was wrong and so it was something about which we were entitled to talk after all. I had no special motive but because I had established a comparatively good relationship I felt such talk could do no harm.

Judge: Did you know you were talking to a foreigner?

Wei: Yes.

Judge: Since you knew you were talking to a foreigner, didn't you give some consideration to what you were discussing then?

Wei: Yes, I gave the matter due consideration.

Judge: What do you mean by that? You deliberately discussed such matters with foreigners? So that was the situation.

Now tell us about the matter of offering your publication at a high price to foreigners.

Wei: Well, I wouldn't say a high price; it was just that the price at which we offered it to foreigners was more than what we charged the ordinary Chinese. The average foreigner is better off financially than we Chinese and this was a way for us to increase our funds. Things were difficult for our publication and we only managed by all pooling our resources.

Judge: So you just thought of asking all that money for it from foreigners.

Wei: There was nothing more to it than that.

Judge: You were asking them to subsidize you then?

Wei: I never asked them to subsidize us but I did propose that if they were willing to give us a bit of extra help they might provide such support. This was all very natural. Some foreigners even promised to help, though the majority just said, "We'll subscribe to your publication, and in this way we'll help you."

Judge: Who promised to help you?

Wei: Mackenzie promised.

Judge: How did he promise?

Wei: He said, "Since you have problems, I can assist you with a bit of money. It's my own money, but I haven't got it with me at the moment. I'll give it to you later." But we never met him again after that.

Judge: I see. Mackenzie agreed to give you £300 sterling? When did this happen?

Wei: That was at the end of February—it was the second time we met. Altogether we only met him twice.

Judge: Altogether twice? Was there anything else you wanted from him?

Wei: I went to see Kuo Li, but that day Mackenzie wasn't at home. Kuo Li telephoned but said he hadn't been able to find him.

Judge: (*Reads recorded conversation.*)

First Voice: What do you want in the way of help, if you want me to I can help you?

Wei: The main thing is we lack funds. We need to buy paper. We have a large outlay in printing ink—just that alone amounts to more than 200 yuan.

First Voice: Wait till I've shot this film, then I'll earmark some of the case for you.

Wei: Ah yes. As soon as I heard what was said then, I remembered that would be Kuo Li, who after acting as Mackenzie's interpreter worked for an American broadcasting company as a reporter. He was thinking of shooting a television film about us printing our publication and asked us whether we could do a bit of conversation as ordinary citizens chatting about the war in Vietnam for the benefit of the English public. Well I didn't make any real promises about that, but just said I'd have to go back and discuss it first.

Judge: What did you promise to do, and what did you do?

Wei: I didn't agree to either of these proposals. I replied that I had no answer to make as an individual about the television film, and as for the conversation about the war, that was a more serious matter and I'd need to discuss it with the others.

Judge: Where was it you discussed our defensive counterattack against Vietnam?

Wei: On the second occasion.

Judge: When you finished discussing that did you talk about the television film?

Wei: Yes.

Judge: Just give this matter some more thought and try to remember when it was you discussed the war in Vietnam with the foreigners. What day was it?

Wei: Now you ask me to remember that; I simply can't. It's possible to divulge something of importance to national security in this way—and perhaps I did—leaking out information in this way is wrong.

Judge: You refer to discussing. . .

Wei: I do not recognize that as a crime but simply a mistake.

Judge: Wei Jingsheng, tell the court of the circumstances attending the placing of written matter on Xidan [Democracy] Wall.

Wei: I wrote something on December 4, 1978 and stuck it up on the next day, the 5th.

Judge: What pen-name did you assume when you wrote this article?

Wei: Jin Sheng.

Judge: Tell the court just how many articles you stuck up at Xidan.

Wei: A lot. Quite a few of them. All things I wrote myself and stuck there myself.

Judge: Who initiated the running of the publication *Exploration*?

Wei: After I stuck up a number of big-character posters on the wall lots of people signed their names on them in the hope of being able to meet me for a talk. In this way I got to know several people and we all used to meet together. It was my suggestions

"I had no access to state secrets. 'Military intelligence' is an over-generalized concept."

when I said that by just sticking up pamphlets on the wall many people would not have an opportunity to read them, whereas if we printed them people could take them home and read them at their leisure, so later we all agreed to run the publication.

Judge: It was you who launched it, then, and everyone agreed?

Wei: Correct.

Judge: Who were the most important people involved in this enterprise?

Wei: The most important were Yang Guang, Lu Lin and Liu Jingsheng—they were the most important. There were some others who helped but the important ones were the four of us.

Judge: How did you apportion the work among yourselves?

Wei: We didn't really divide it up, but my load was a bit more than the others'.

Judge: This publication of yours, *Exploration*, how often did it come out?

Wei: In all there were three issues plus a special number.

Judge: When did you print the first issue?

Wei: January 9 [1979] was the first issue.

Judge: Altogether how many copies did you produce?

Wei: I can't remember exactly; probably about 200.

Judge: Who else took part in the printing of it?

Wei: All I can recall are the four of us.

Judge: Who else was there?

Wei: Well now—I think there's no need to mention the names of those who helped us.

Judge: Where did you print it?

Wei: At my girlfriend's place because there were no other people there.

Judge: Now tell the court at what places you sold it?

Wei: Mainly at the Xidan Democracy Wall.

Judge: And where did you display copies of it?

Wei: We had no fixed place. Sometimes here, sometimes there. Later on, when we produced the third issue, we went off to Tientsin to sell it there.

Judge: How much money did you make out of the total sales?

Wei: I never counted.

Judge: Who was in charge of the finances?

Wei: To start with we all left Lu Lin to look after the finances, but later, as everyone said he wasn't very good at handling money matters, from the third issue onwards, I took the money back to my place.

Judge: How much altogether?

Wei: I don't remember how much exactly. Roughly from 100 to 200 yuan.

Judge: After you'd printed them how much did you sell them to foreigners for?

Wei: A year's subscription went at 20 yuan a copy.

Judge: And how much for Chinese people?

Wei: Chinese people never bought a whole year's subscription.

Judge: How many foreigners took out subscriptions?

Wei: I've got no figures for that. Probably only for a dozen or so copies for which they paid first.

Judge: Altogether how many copies?

Wei: I never counted. The largest number was for the special issue. We issued more than 1,700 copies, of which we sold 1,500, which left a few over.

Judge: Where did you sell it?

Wei: In Peking: in the Xidan area and around Wang Fu Jing Street.

Judge: How many copies of the third issue?

Wei: A thousand copies of the third issue.

Judge: And the second issue?

Wei: I don't remember too clearly about the first and second issues. They were both somewhere between 100 and 200 copies. At any rate, not very many.

Judge: How many articles did you publish in *Exploration*?

Wei: Well, I wrote more than the others—the most in fact. All the editorials written under the pen-name Jin Sheng and the features articles, etc., were written by me.

Judge: Ten articles in all?

Wei: Yes, perhaps there were ten.

Judge: The articles in the first issue of *Exploration* were written by you, weren't they? How many did you write? What were they all about?

Wei: The first issue reprinted two posters of mine and contained a special article announcing that this was the first issue of a new periodical, and this announcement was written by me too. I did the actual writing.

Judge: In the special issue of *Exploration* did you write the article entitled "Democracy or a New Dictatorship"?

Wei: It was my own leading article.

Judge: (*Produces copies for the court to see.*) Wei Jingsheng you see here that these are all copies of *Exploration*, don't you?

Wei: Yes, they all are.

Judge: With reference to your running this magazine *Exploration*, about which you said there was no clear demarcation of duties, who, in fact, was responsible for the editing?

Wei: Well, there wasn't any clear-cut allocation of the editorial work either. After I'd looked over all the drafts of the articles we all discussed them and made our decisions accordingly.

Judge: Weren't you in fact the actual editor? You wrote the editorial articles and went over the drafts of the articles.

Wei: Yes, in fact you could consider me as the editor, but there was no actual division of duties.

Judge: What is your attitude now towards *Exploration*?

Wei: I think I might best be able to answer that question in detail later on in my public reply. I see nothing wrong in our running such a publication. It was all quite legal to put together a publication to express opinions and engage in theoretical discussion. Of course, mistakes were bound to occur and everything written may not be absolutely accurate, but all this is open to comment and discussion and all such mistakes can be resolved by self-criticism. There was nothing illegal about any of this, though.

Judge: Was this the sort of thinking behind the publication of this reactionary publication *Exploration*?

Wei: Reactionary publication? I don't recognize it as such.

Judge: We will now comment on certain relevant passages in this publication of yours. *Exploration* has this to say on page eight: "You must not serve as tools for the modernization of ambitious aggrandizement by the dictatorship." The article goes on to say, "I call upon my comrades to rally under the banner of democracy and no longer trust the stability and unity of dictators. Fascist centralists can only bring us disaster. Do not have any illusions about such people. Democracy is our only hope and to reject democracy is as good as loading one's own body with shackles. Have faith in our own strength. It is for us to create human history, and for us to tell all self-appointed rulers and 'mentors' to clear off, for it was such as they who many years back cheated the people of their most precious powers." Did you or did you not write this passage?

Wei: I did.

Judge: I have here another extract from the first issue: "What is evident is simply the common features of both the dictatorship of the proletariat and Russian-style despotism. Chinese society shares something in common with that same feudal socialism we hear such a lot about in our own state propaganda. It is simply a feudal autocracy dressed up as socialism." Is that correct?

Wei: Correct.

Judge: In the article entitled "Democracy: The Fifth Modernization," there appears this statement: "Some people have proposed that we settle our past accounts with the feudal fascist dictatorship, and I entirely agree with such a proposal."

Wei: Correct

Judge: The same article also states: "The tragic thing is that among all the people in our country only those who are privileged to live like the gods themselves, with nothing to do but stuff themselves with goodies, play chess and write poetry—only these happy

few have the right to govern. Don't try telling me then, that the common people haven't adequate enough reason to wrest the power from the hands of these their lords and masters." Did you write this statement?

Wei: I did.

Judge: In the second issue, from the article "The Limitations of Democracy," I quote the following: "One must have noticed the large numbers of the common people coming into the capital to beg for help from the authorities. This fact in itself indicates the tragic lot of the enslaved and oppressed people of China, a people who should focus its fury on the evil system responsible for bringing the commoners to such a miserable pass." Is that what you said?

Wei: I did.

Judge: In the third issue, on the third page, we have the following section from an article entitled "Human Rights, Equality and Democracy": "By the time Marxism had developed to the stage of Leninism with its merciless suppression of counterrevolution, the philosophy itself basically denied mankind the freedom to struggle and engage in political activity with the aim of realizing the aspirations of an individual existence. Thus Marxism utterly abolished the principle of democracy and in practice banished its very presence, but left merely its empty trappings to add a little veneer of respectability to the ferocious features of autocracy. This is why once Marxist Socialism becomes a socialist system, without exception, the social system it constitutes is despotic—non-democratic and counterdemocratic in nature." There follows on the fourth page this passage: "In the subjective eyes of Marxists this method of his [Mao's] may not appear evil and malicious, but when viewed from the objective angle of human history such a method is shown to be nothing but the trickery of itinerant quacks and charlatans, simply because his ideas merely rest on an idealistic bias and can never be achieved, just like the devices of charlatans when they lavish praise on their placebos and panaceas claiming that such plasters and poultices can treat the desperate patient, whatever his malady." Did you say that?

Wei: I did.

Judge: From the fourth page of the third issue I quote: "In a modern socialist society where the panoply of idealistic thinking fits the needs of coercion necessary to control that society, the people's impotence in political matters and their enslavement and exploitation in everyday life render any economic advances empty of true meaning in bringing any accompanying advantages to the people themselves; on the contrary such economic advances further frustrate that society's true progress." Did you say that?

Wei: Yes, I did.

Judge: From "Democracy or a New Dictatorship," the leading article in *Exploration's* special issue, we have as follows: "There are others who, out of their personal ambition and despotic inclinations, abuse people's credulity. For example, the speech that Vice-Premier Deng Xiaoping made to leading cadres of the Central Committee on March 16 [1979] was an attempt to take advantage of the people's past confidence in him to oppose the democratic movement itself. He levelled all sorts of charges at the democratic movement and tried to lay on it the blame for the failure of China's production and economy, when it was the political system of Hua [Guofeng] and Deng [Xiaoping] that was at fault. Thus, the people are made the scapegoats for the failure of their leaders' policies." Following closely after this passage comes another: "From his [Deng's] behavior, it is clear that he is neither concerned with democracy nor does he any longer protect the

people's interests. By deceiving the people to win their confidence he is actually following the path to dictatorship. And once again in this article we have: "He is unwilling to hand back to the people those powers usurped by an ambitious bunch of careerists." Did you write this?

Wei: I did.

Judge: From *Exploration's* special issue we have yet another passage: "We would like to ask these high officials of state who instigate the arrest of individuals: Is the power you exercise legal or not? We would like to ask Chairman Hua and Vice-Chairman Deng, is your occupation of the highest offices of state—Premier and Vice-Premier—based on any form of legality?" Is that from your article?

Wei: It is.

Judge: Could you explain before this court your motives for writing such articles as those I have just quoted?

Wei: If you'll wait until my own defense speech I will be able to go into my aims and motives in more detail. In the meantime, broadly speaking, they were simply to restore democratic power in China.

Judge: Does not the writing up in a printed format of such intentions together with their distribution among the public constitute counterrevolutionary propaganda?

Wei: No, it is not committing counterrevolutionary propaganda.

Judge: Is it not agitation?

Wei: Anything written out can be deemed a form of agitation and to take such a written remark and show it to others may be considered as a type of propaganda.

Judge: Well, then, when you say that Marxism-Leninism and Mao Zedong Thought are the tricks of charlatans, or when you say Communism deceived people with a diet of fond illusions, is this not to say you oppose Marxism-Leninism and Mao Zedong Thought?

Wei: I do not consider that it is, and if you care to wait until my own defense speech I can explain all my reasons in detail.

Judge: You describe our socialist system as a dictatorial tyranny, as feudal monarchism, and you wish to focus your fury on those in this evil system responsible for bringing the people to such a miserable pass. Is this not openly inciting the overthrow of our nation's dictatorship of the proletariat and its socialist system?

Wei: No it is not. It is merely the promotion of reform by the people, through drawing their attention to the defects with the system.

Judge: Wei Jingsheng, I put it to you that you wrote an article in which you stated that the Central Committee of the Chinese Communist Party headed by Hua Guofeng was a careerist clique who were following a path whereby they could dupe the Chinese people; does not such a statement of yours constitute slander of the Party's leadership?

Wei: No, you have carefully taken the words I said and quoted them out of context. Besides, I remember that at that time in the same article I urged the people to be on their guard and not allow the nation's new leaders to lead us up the path of the Gang of Four's fascist dictatorship. Such was my meaning. Of course at the time, by my choice of words, I could have been said to be overdoing it a bit, and several comrades did indeed consider I had overstated my case, but we recognize that according to the prin-

More Arrests in Taiwan

This winter a number of Taiwan's dissident political figures were arrested. Most notable was Chang Ch'un-nan, unsuccessful candidate for Legislative Yuan in last December's election.

Mr. Chang was sentenced to three and a half years imprisonment under Taiwan's strict elections law, according to which candidates' campaigning is strictly limited. They are forbidden (according to Article 54) to "instigate others to commit offenses of internal or external security, [or] incite others to undermine social order with violence." The government deemed Chang to have violated Article 54 by expressing "anti-government sentiments," the indictment of Chang is comprised largely of an account of his election campaign and quotations from his speeches. It is not suggested that he had advocated violence or engaged in any wrongful behavior. However, it is said that his criticisms of the government were designed "to enflame an unspecified majority of the listeners to overthrow the government by illegal means and alienate national territory" by establishing Taiwan as an independent entity. (It is not clear that Chang actually advocated independence, however.)

According to Article 86 of the elections law, anyone who violates Article 54 is to be sentenced to "a fixed prison term of not less than" five or seven years (depending upon which of the two provisions quoted above had been "violated"). Thus, a question has arisen as to whether the three-and-a-half-year sentence is not itself in violation of the law.

ciples of free speech a citizen has the right to say such things.

Judge: Well then, you said in the article: "I call upon my comrades to rally under the banner of democracy and no longer trust the stability and unity of dictators. Do not have any illusions again about such people." Is this not an example of incitement to oppose the Communist Party? Is this not in opposition to the Fifth National People's Congress?

Wei: No, it is not so. I consider that for a political party to win the people's confidence it must first safeguard the people's interests. And if a party constitutes a dictatorship it should be opposed. If it does not constitute a dictatorship then the passage cited is not directed at such a party. I was addressing my remarks to those who would like to operate a dictatorship. This is what it means.

Judge: But you did say in the above statement those who practice dictatorship.

Wei: In the past there were those who did. Our nation has experienced those who did practice dictatorship.

Judge: In your article you were referring not to a past situation

Chang, a 40-year-old native of Changhua County, is widely respected in Taiwan. He is a former member of the National Assembly, from which he resigned some years ago out of dissatisfaction with his role. He was one of the leaders of the *Formosa Magazine* movement until it was suppressed by the authorities in 1979.

To understand the motivation behind Chang's imprisonment, it is important to note that at least two other unsuccessful candidates in last December's elections have been arrested. In March, Ts'ai Hung Chiao-o was sentenced to ten months for "speaking more times than allowed" during the one week when candidates were supposed to be able to campaign "freely." Like Chang, she has been a non-party (i.e. anti-Kuomintang) candidate for Legislative Yuan.

The other person detained is Liu Feng-sung, a National Assembly candidate from the same general area as Chang (although he had been a probation officer in Taipei). On March 7, Mr. Liu received a notice that he had violated the election law by discussing topics "not in accordance with national policy." He was arrested and sentenced to three and one half years imprisonment.

There is no evidence that any of these people had engaged in any wrongful behavior. Why, then, has the government imprisoned them? A number of non-party candidates were *victorious* in the election. Could not *they* have been arrested, just as legislator Huang Hsin-chieh was in 1979?

Actually, the authorities' purpose appears simply to be to intimidate Taiwanese leaders and discourage them from participating in future elections. The government wants to do this in a way which brings minimum international notice. It was learned a year ago that abuse of elected or other well-known leaders focuses international attention on the undemocratic nature of Taiwan's political system. But arresting the *unsuccessful* candidates is virtually as intimidating as arresting the victors, and if they are not well known abroad there is little cost in terms of international notoriety.

but rather confirming a present situation.

Wei: You may like to interpret it in such a way.

Judge: Wei Jingsheng, at the end of the article "Democracy: The Fifth Modernization," did you make the following statement: "The people certainly will be liberated; this is a slogan imbued with fresh significance. They will shed their blood, they will make sacrifices and once again they will rise in rebellion."

Wei: I did. Of course China's current struggle for democracy is likely to provoke obstruction, and it is also possible that many will sabotage her efforts and that her people will confront a great deal of resistance. Naturally in such circumstances bloodshed and sacrifice can occur, and I for one am ready to make such a sacrifice.

The large-type quotations on page 1 and elsewhere are from Wei Jingsheng's defense statement. The complete text of this will appear in the next issue of SPEAHRhead, along with witnesses' testimony and the court's verdict.

Human Rights in Taiwan

The following is testimony by SPEAHR president James D. Seymour before the U.S. Congressional Subcommittee on Asian and Pacific Affairs, presented May 19, 1981. Questions in bold-face type had been submitted to Dr. Seymour prior to the hearing.

Has there been any impact on the human rights situation in Taiwan as a result of U.S. normalization of relations with the People's Republic of China (PRC) and of the passage of the Taiwan Relations Act?

Normalization. The immediate impact of the United States' "derecognition" of the Republic of China (Taiwan) in December 1978 was the cancellation of the scheduled elections. This might appear to have affected the rights of the Taiwanese people under Article 21 of the UN's Universal Declaration of Human Rights. However, "elections" on Taiwan had always been conducted on the assumption that Taiwan was only a province of China. This fiction has denied the Taiwanese any meaningful role in government. Therefore, the postponement was of immaterial significance.

Otherwise, it is difficult to establish any clear association between the human rights situation on Taiwan and derecognition. It is true that U.S. recognition of the Peking (Beijing) government as the government of China, and derecognition of the "Republic of China" government in Taipei, tended to undermine the Chinese Nationalists' legitimacy. However, their claim to be the legitimate government of China had long since ceased to be taken seriously by all but a tiny minority on Taiwan. A more vital issue was the legitimate right of the Chinese Nationalists (Kuomintang/KMT) to rule the Taiwanese. But this too had long been in doubt, and the KMT could not have perpetuated its control since 1947 without resorting to police-state tactics and outright terrorism.

What derecognition did was exacerbate the fear of many Taiwanese that the Chinese Communists might take control of their island, without or (quite conceivably) with the cooperation of the KMT.

The Taiwan Relations Act. The Taiwan Relations Act of 1979 states: "The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States." However, the Chinese Nationalists do not seem to consider themselves bound by international human rights standards, and resent Western interference on the issue. They thus have completely ignored the human rights provisions of the act. Indeed, within months of the passage of the act, virtually the entire leadership of Taiwan's democratic movement was arrested and subjected to long prison sentences.

Has there been any impact from the Reagan Administration's private, quiet approach to human rights?

This witness is unaware of any such approaches to the Chinese Nationalists. Such demarches would be surprising, in

view of President Reagan's avowed friendship for the Chinese Nationalists. If there have been any efforts on behalf of human rights for the people of Taiwan, the results have been decidedly negative. Since the inauguration of President Reagan, not only have there been no commutations or amnesties¹ for political prisoners but there have been quite a few additional human rights violations. Some examples:

On January 29, long-time provincial assemblywoman Huang Yu-chiao was given a prison sentence of ten months for "preventing a policeman from doing his duty." The matter stemmed from police harassment of her son, Wang Jen-yun, who was running for a seat in the "national" legislature the previous month.

On February 12 two ethnic Chinese from Malaysia who had been studying in Taiwan were each sentenced to three years for their participation in a literary society. The two, Wen Jui-an and Ms. Fang O-chen, were accused of using the society to "spread communist literature, music, movies, and political pamphlets." (The Chinese Nationalists apply the label "communist" quite indiscriminately. Mr. Wen is rather conservative politically, and his writings have appeared often in the controlled press.)

On February 25 the military, with some fanfare, produced businessman Lin Chien-min at a press conference for representatives of the government-controlled press. It was claimed that he had "surrendered to the Taiwan Garrison Command on July last year." Evidently he had been held incommunicado for the intervening seven months, and must have been subjected to intensive brainwashing. It is claimed that Lin was to have engaged in terrorist acts on behalf of exiled Taiwanese in the United States, but that he now "sincerely showed his regrets." He was sentenced to three years imprisonment.²

On March 3, Mrs. Ts'ai Hung Chiao-o was sentenced to ten months for having allegedly spoken publicly more than the few times allowed during her unsuccessful campaign for legislator the previous December. (Opposition candidates are greatly restricted in their campaigning, in order to prevent the electorate from learning of their positions on the issues.)

On the same day, prominent opposition leader Chang Ch'un-nan was sentenced to three and a half years in prison for "illegal activities" during his campaign in December for legislator. Although the government charged that Chang had attempted "to instigate the public to overthrow the government," the only evidence cited was his incisive criticisms of government policies.³ Chang is a teacher and former member of the National Assembly.

On March 9 unsuccessful National Assembly candidate Liu Feng-sung was indicted for having discussed subjects during his campaign which were "not in accordance with national policy." He was arrested and apparently held incommunicado. Mr. Liu had been a probation officer and active in the *Formosa Magazine* movement (see below).⁴

Thus, whatever the Reagan administration may or may not

have been doing about political persecution on Taiwan, the Chinese Nationalists have felt free to continue business as usual.

It is my view that "quiet diplomacy" with "friendly" repressive governments is rarely effective. These governments have already made the judgment that opposition forces are so popular that they are a real political threat. The rulers are probably correct in their judgment, and quiet diplomacy will not cause them to alter their conduct. Overt political and economic pressure has a much better chance, though success is not inevitable.

With human rights violations, as with much else in life, prevention is much easier than cure. It is not easy to pressure a government into releasing prisoners of conscience. However, if the leaders realize that *further* arrests will be greeted by loud international outrage, they will hesitate to engage in the practice. There will be no such hesitation if they are confident that abuses can be continued with relative impunity, with nothing more than a few unpleasant moments *in camera* for a diplomat or two.

What was the impact of the Carter Administration's approach?

It is my view that in many parts of the world President Carter's human rights policies were highly successful in relieving human suffering and effecting greater political stability by broadening the base of previously unrepresentative governments. The major successes were in the countries where the policy was given the greatest stress: Latin America and Africa. Unfortunately, a number of lands were exempted from the policy, and one of these was Taiwan. Under these circumstances, the human rights conditions on Taiwan deteriorated markedly during the period of the Carter administration.

There had been a brief liberalization about a year before Carter's election, but renewed repression was underway by the time the new U.S. President took office. Conditions stabilized for a couple of years while the Chinese Nationalists observed Washington's attitude towards its domestic behavior. Then, in 1979, the repression intensified with the arrest of leading Taiwanese elder statesman Yu Teng-fa, and the execution of the witless "revolutionary" Wu T'ai-an. Mr. Yu was arrested because he had planned to sponsor a meeting of Taiwanese leaders with a view to eventually mounting a political challenge to the Chinese Nationalists. The arrest served as a warning to all that no such challenge would be tolerated, nor would any attempt to form an opposition party.

Although Washington seemed to be ignoring Kuomintang human rights violations, this did not mean that it was increasing its support for the government—a fact which emboldened many Taiwanese (with some liberal Mainlander support) to push ahead to form a "non-party." Their vehicle was a new magazine called *Formosa*, whose circulation quickly grew to 100,000—a remarkable accomplishment in view of the harassment which those involved had to endure. These people may have been somewhat encouraged by Carter's human rights pronouncements, but if so, they were misguided.

During the latter part of 1979 a number of political and human rights rallies were held around the island, each time drawing large and increasing numbers. The Chinese Nationalists usually insisted that the rallies could not take place, but each time tacitly backed down. Nonetheless, "unofficial" government supporters tried to intimidate the *Formosa* leaders (who included many of Taiwan's most respected citizens) by committing acts of violence against them and against the magazine's offices.

"Quiet diplomacy" concerning the human rights violations of "friendly" governments is rarely effective.

Finally, on December 10, 1979 (the anniversary of the adoption by the U.N. General Assembly of the Universal Declaration of Human Rights), the largest rally of all was planned for the southern city of Kaohsiung. As usual, the authorities said that it could not be held, but at the last minute relented. However, they said that the rally had to be staged at a location different from where the public was expecting it. They further stipulated that there could be no "march." Police then encircled the demonstrators to prevent them from walking to the "approved" location. Whether planned or unplanned, under such circumstances violence was inevitable. During the course of the evening, a few police and an unknown number of civilians were injured. Two days later the media (all government-controlled) began publishing a fabricated story that 182 policemen and no civilians had been injured.⁵ and warrants were subsequently issued for the arrests of most of the leaders of Taiwan's democratic movement (including many who had little or nothing to do with the Kaohsiung event).⁶

The United States did have observers at most of the so-called trials of the men and women arrested. At these events there was no substantial evidence that any of the opposition figures had done anything wrong other than to criticize the regime. Nevertheless, the leading defendants were given prison sentences ranging from five years to life. Thus did the Chinese Nationalists flaunt their contempt for international humanitarian norms in general and the Carter Human Rights policy in particular.

What is the impact of annual, public reports by the U.S. Government on human rights in Taiwan?

In general, the human rights reports are quite helpful in highlighting human rights abuses. However, without further action by foreign governments the reports are unlikely to affect dictatorships to alter their human rights practices.

In the case of Taiwan, the Chinese Nationalists react quite sharply to the State Department reports, claiming that they are too hard on Taiwan and too soft on the Chinese Communists. It is always possible that they would arrest even more dissidents than they do now if no such reports were published, but I would not want to speculate on this matter.

How reliable is our information on the human rights situation?

The Chinese Nationalists go to great lengths to veil in secrecy their human rights violations. When someone is imprisoned for political reasons, his or her relatives are under great pressure not to reveal the true situation to the outside world. The example of the case of Provincial Assemblyman Lin Yi-hsiung is instructive:

Mr. Lin is a highly respected lawyer and writer as well as political figure. He (along with fellow prisoner Yao Chia-wen) did much to try to democratize Taiwan's legal system so that the poor could enjoy the benefits of legal services. Lin was only remotely involved in the Kaohsiung Incident, and did not speak. He was nonetheless arrested, held incommunicado for two months, and subjected to considerable physical and psychological abuse. On February 26 he was told that he could

now be visited by his relatives, but he was warned by his captors not to reveal the nature of his "treatment," or else "unfavorable things" could happen to his family. Nonetheless he did indicate to them that he had been tortured. His mother then passed this information abroad by telephone (which was undoubtedly heard by security agents). On February 28, she and Lin's two daughters were murdered.

Most prisoners and their families are probably cowed into silence. Thus, I would have to concede that there is probably much more that we do not know about human rights abuses. Our "intelligence gap" was recently highlighted when we learned that the Chinese Nationalists were able to keep secret for six years the imprisonment of Taiwan-independence advocate Ch'en Shen-ching. Mr. Ch'en is a musician who toured the United States in 1972. His main "crime" appears to have been using a rubber stamp bearing the symbol of the independence movement. He was given a life sentence for "sedition."

A related problem is the "forgotten prisoners" who have been in prison since the early 1950s—long before international human rights organizations began keeping track of such individuals. Among many cases which can be cited (and doubtless even more that cannot) is a man named Lin Shu-yang. Mr. Lin has now endured three decades of imprisonment for alleged "communist" activities. Nothing is known about any trial that he might have had, or the precise charges against him. It is likely that his offenses were relatively inconsequential. In the early 1950s, serious "offenders" were simply shot.

With a few exceptions (which I shall discuss), the Chinese Nationalists are not at all forthcoming when asked for information about political prisoners. Members of Amnesty International and others have written countless letters to the authorities about people like Lin Shu-yang. They are almost never answered, and the few answers which are received are perfunctory, providing no new information. It is my impression that even letters from U.S. Congressmen are ineffective in eliciting meaningful information.

The major exception to the practice of secrecy about political prisoners occurred in 1975 when the government allowed information to reach Amnesty International about fifty-five cases of interest to the organization.

In a few cases where international attention is intense, the authorities do stage "open trials." These are not trials in the sense that we are accustomed to thinking of them. The merits of

be judged by public opinion. In the case of the eight leading defendants in the Kaohsiung case, the trial was reasonably accurately and fully presented to the public in the press. However, the main purpose of these events is to mislead foreign observers into thinking that Taiwan has open trials—a non-fact dutifully reported out to the foreign press by virtually every reporter. In point of fact, after a considerable delay to permit the world to lose interest, the defendants are usually given long prison sentences which are totally unsupported by anything which transpired at the "trial."

It should be stressed again that such "open trials" are the exception to the rule. Most arrests, detentions and "trials" are secret. In rare cases where Amnesty International has found out about an up-coming secret trial and sent an observer from the West, he was denied admission to the courtroom.

Although we know little about the "trials" given most political detainees, we often learn from private sources about arrests, conditions of detention, etc. The first month or two after a person is arrested (or disappears) is generally the worst period. Traditionally Chinese justice places great emphasis upon confessions, and Taiwan's interrogators often will stop at nothing to get a prisoner to write and sign the government's version of events. Cases of false confessions are legion.

The government, of course, denies that physical abuse of suspects is condoned. It is repeatedly stated that people should not be tortured.⁷ However, those responsible for such practices are not prosecuted, and there is no evidence that the problem is under control.

We have fairly reliable information about conditions in the prisons. Most political inmates are incarcerated on Green Island, about which Amnesty International has detailed information. Of those accused in connection with the Kaohsiung Incident, only one (Shih Ming-teh) is known to be on Green Island. The other seven most famous individuals enjoy relatively favorable treatment, a fact advertised by the semi-official Chinese Association for Human Rights. Lesser-known victims in the same case are forced to endure extremely grim conditions, generally in solitary confinement.⁸ After an international outcry, they are now allowed fifteen minutes exercise per day.

Of course, other aspects of human rights, such as press freedom, are easier to keep track of. Many travelers to Taiwan have had their foreign newspapers confiscated before their plane lands—a unique practice which suggests the nature of media control on the island. When a magazine is launched and forced to close, this is common knowledge. And of course the trials and tribulations of the Protestant Churches are followed closely by foreign churches.

In short, notwithstanding the government's efforts to conceal human rights abuses and to manipulate the news which foreigners read about Taiwan, we know enough to evaluate the general situation on the island.

Is it true that Americans who publicly stand with the victims of human rights violation on Taiwan will usually lose their visas and be denied the right to visit Taiwan? Does this help silence American opponents of human rights violations on Taiwan?

As indicated above, it is *possible* to make reasonably accurate assessments of the human rights situation on Taiwan. This does not mean, however, that this is often done. The Chinese Nationalists go to great lengths to influence the foreign media, and they have been remarkably successful. Thus, few Americans have any understanding of the political realities on Taiwan and the repressive nature of the government there. The question raised here alludes to but a small part of the general

At the "Kaohsiung" trial there was no substantial evidence that any of the opposition figures had done anything wrong other than to criticize the regime.

the case in terms of fact and law are not weighed by an independent court empowered to find the defendants innocent. Such decisions are apparently taken before the "trial" is held. However, these trials do provide the defendants with an opportunity to be heard, to repudiate the "confessions" which may have been extracted from them, and permit the accused to

problem of information manipulation.

The Taiwan government's "blacklist" of people to whom it refuses entry must be a long one indeed. Only the naive and the silent are welcome. The effect of visa denial extends far beyond the individuals directly affected. Indeed, the irony is that when this sanction is actually invoked it loses its effectiveness, for the hold which the Chinese nationalists have over visa-holders vanishes once the word "void" is stamped across one's visa. But those for whom the ability to leave and reenter Taiwan is important — including businessmen, church leaders, medical workers, scholars, and journalists — are forced to remain silent about the persecution which they know is all too common on the island. Thus, Chinese Nationalist visa practices infringe in an important way upon every American's right to freedom of information.

What precisely is the direction taken by the authorities on Taiwan on various aspects of human rights: freedom of religion, constitutional civil guarantees such as free press and assembly, popular participation in government, rights of accused people, treatment of prisoners, etc.?

Freedom of Religion. The authorities on Taiwan have been quite tolerant of non-Christian religions, which tend to be relatively apolitical. However, there has always been a strain of resentment among Chinese Nationalists toward Western missionaries and their local converts. Thus, only those Christian sects which are strongly pro-government are spared any interference from the authorities. This has meant primarily the main body of Roman Catholics (though it remains to be seen what the situation will be if relations continue to improve between the Vatican and Peking).⁹

Interference in religion by the government primarily affects Protestant churches, especially those where notions of "the social gospel" give rise to active humanitarian concerns. The

The arrest of Presbyterian General Secretary Kao Chun-ming was a prize long sought by the Chinese Nationalists.

most severely repressed Protestant sects are the Unification Church (which is totally banned) and Jehovah's Witnesses (whose male followers are often imprisoned because of their pacifism).

More significant in terms of popularity among the Taiwanese is the Presbyterian Church. Presbyterianism became well-established on the island in the latter half of the nineteenth century, and the Taiwan Presbyterian Church has long had a solid infrastructure completely independent of outside support or control. Indeed, except for the abortive *Formosa* movement, the Presbyterian Church has been the only important autonomous independent organization in Taiwan. Thus, the government, aware of its own political limitations, has always eyed it with considerable nervousness.

In 1977, the year before US-China normalization, the Taiwan Presbyterian Church adopted a human rights resolution which expressed fear of a communist invasion if the Chinese Nationalists continued to adhere to their current untenable policies. The Presbyterians called for an end to the claim that the government represented all of China. "We insist," they said, "that the future of Taiwan be determined by

the seventeen million people who live there. . . . To achieve our goal of independence and freedom for the people of Taiwan in this critical international situation, we urge our government to face reality and take effective measures whereby Taiwan may become a new and independent country." Although the "independence" theme was subsequently soft-peddled because it proved excessively provocative, year in and year out the Presbyterian Church has remained the strongest voice calling for a Taiwan free of Chinese domination.

The Presbyterians' position was anathema to both the Chinese Communists and to leaders of the Chinese Nationalist Party. The latter summoned Presbyterian Church Secretary General Kao Chun-ming (later imprisoned) for an "explanation" after the resolution had been passed. Kao was told that the public supported the idea that China should be unified under the Nationalists, and that the Church would lose members if it adhered to its position. Kao replied that the resolution had been arrived at democratically, and that the main point was that most people opposed communism. Kao was told that if there were ever an independent Taiwan, the United States would not recognize it, and the Chinese Communists would invade. Kao pointed out that so long as Taiwan is considered a part of China, the Communists can claim a legal right to invade. However, if Taiwan were an independent country it would have a moral and legal right to survive, and it was even possible that the security treaty with the United States would continue. (Because the Chinese Nationalists have continued to adhere to the "Republic of China" principle, the security treaty had to be terminated.)

Government pressures on the Church then began to build. The weekly *Taiwan Church News* (Taiwan's oldest newspaper and only independent voice to survive for more than a few issues) published the text of the Presbyterians' resolution. Most of the copies of that issue were confiscated by the Chinese Nationalists. The Party also pressured the Church to modify the resolution, but the Church held its ground. To the charge that the Church was involving itself in political matters (permitted of only pro-government churches), it was answered that the Church sought no political power for itself. The Church was then warned of possible "reprisals."

In the spring of 1978 the Chinese Nationalists escalated their campaign against the Church. Editorials appeared in the press calling it traitorous. This charge stemmed not only from the Church's flirtation with the idea of an independent Taiwan, but also its long-standing practice of issuing Bibles in various phonetic writing systems (in addition to Chinese characters). This is seen as undermining Chinese culture, and on numerous occasions has prompted the confiscation of Bibles by the authorities.¹⁰

The following year the government moved to enact new regulations which would have weakened the structure of Protestant churches. The pro-government Roman Catholic Church was exempted, but other churches could have been dissolved by the government if (as in the case of the Presbyterians) "national policy" had been contravened or the "public interest" violated.¹¹ The proposals were dropped after a loud outcry at home and abroad. However, the Chinese Nationalists' resolve to bring the Presbyterians under control was unabated.¹²

The Presbyterian Church was not involved in the December 1978 events in Kaohsiung which have been described above. (Only one Presbyterian pastor spoke at that event, and there is a widespread belief that he was an *agent provocateur*. He was the only speaker to advocate violence, and almost the only speaker *not* to be arrested after the event.) However, some church leaders did become caught up in the wake of the

incident.

The Kaohsiung rally had been largely under the direction of a man named Shih Ming-teh. Mr. Shih was a former political prisoner, and had been severely tortured while detained. Believing that he could not expect better treatment now, he went into hiding after the incident, and sought help from Lutheran pastor Wu Wen. Rev. Wu and other churchmen like Presbyterian leader Kao Chun-ming evidently believed in conscience that Shih could not be turned over to the authorities in view of the treatment he would receive.

Using interrogation methods for which the Chinese Nationalists are famous, they gradually built what they considered an adequate case against Rev. Kao and other church leaders. Ten people were arrested in the case, and given prison sentences ranging from two years to (in Kao's case) seven years.¹³

The removal of Kao was a prize long sought by the Chinese Nationalists. However, because the Presbyterian Church is democratically structured, Kao's absence did not alter the basic situation. (Nor did it have even a nominal effect, for Kao has been kept in office in absentia by the membership.) Thus, the government is taking additional actions against the church. It

"Public meetings, strikes, demonstrations or petitions are strictly forbidden."

— *The Martial Law*

has revived the idea of imposing a law to regulate the churches (though now the Catholic Church appears to be resisting the step). It is also moving to place the many theological colleges under government control. (The Catholic University, Fu-jen, has long been so.) The new law would place the already closely watched institutions under the direct control of the Ministry of Education, with key administrative posts going to government "security" personnel. Clearly, the law would have a devastating effect upon the island's last free academic institutions.

The Taiwan Presbyterian Church's relations with the World Council of Churches (WCC) is a matter of special concern for the government. In the late 1960s the authorities forced the Presbyterians to leave the international body (although the latter never accepted the resignation). Now the Church again considers itself a member, and the Chinese Nationalists have stepped up their attacks on the world body. The magazine *Intellectual* (once independent but now controlled by elements close to the secret police) carried a vitriolic attack on the WCC in its February issue.¹⁴ The organization was said to have been controlled by "communist atheists" since 1961, and also to be linked to the Taiwan Independence Movement.

Thus, the Presbyterians' religious conviction that faith and social responsibility are inseparable has placed them in confrontation with the regime. From their point of view, the government is interfering with their rights under Article 18 of the Universal Declaration of Human Rights, according to which everyone is entitled "to manifest his religion or belief in teaching, practice, worship and observance."

Freedom of the press. The media have generally been monopolized by the ruling Chinese Nationalists. Foreign publications are closely screened, and often banned. Japanese newspapers are routinely excluded from the island. (Older Taiwanese were educated in the Japanese language, and Japanese publications are a natural source of information on

world affairs, which are inadequately reported in the local press.)

Occasionally an independent publication (usually a monthly magazine) is established in Taiwan. The typical pattern is for a few issues to appear, and then for it to be closed down by the authorities. Sometimes Chinese Nationalists muscle their way in and take over the publication (as happened with the magazine *Intellectual* and the newspaper *Taiwan Daily*). Many people (pacifist writer Huang Hua, to cite but one) are serving long prison sentences for their involvement in independent political magazines.

After the Kaohsiung Incident of December 1979, all independent magazines were closed and the already tight control over the orthodox press was made iron-clad. The press was used to disseminate the government's largely fictitious version of what had happened at Kaohsiung, and was an important vehicle for discrediting the democratic movement. Now the only publication not directly under government control was the *Taiwan Church News*, and it has been continually harassed¹⁵ and threatened with closure.

One publisher who is very moderate and cautious in his criticism of the Chinese Nationalists is legislator Kang Ning-hsiang. Mr. Kang is now engaged in his fourth magazine publishing effort, the first three having been terminated or suspended by the authorities. It remains to be seen whether his latest effort (a revival of the monthly *Eighties*) can survive.

The purpose of press control in Taiwan is, of course, to prevent information and ideas anathema to the regime from reaching the people. The government hopes that it can perpetuate the myth that it is the legitimate government of China, and that Taiwan is not entitled to meaningful representation in the government because it is merely a "province" of China. It is doubtful that many still believe these myths, but press control can still prevent an opposition from coalescing. The *Formosa Magazine* affair demonstrated that if a publication is allowed to publish freely, it can soon become the organ of what is in everything but name an opposition party.

Freedom of assembly. Under the "Proclamation of a State of Siege" (1949) it is declared that "public meetings, strikes, demonstrations or petitions are strictly forbidden." These prohibitions "shall be enforced" by the Taiwan Garrison Command. Under the Martial Law (Article 11) the military commander is empowered to disperse assemblies, associations and demonstrations. The "Statute for the Punishment of Rebellion" also prohibits "participating in a rebellious organization or meeting" (Article 5). However, none of these laws is ever invoked against the Chinese Nationalists or their supporters.

As indicated previously, people who would form a new political party are arrested before the idea even reaches the planning stage.

The right of participation. It will be recalled that Taiwan was treated as war booty which was transferred from Japan to the Chinese Nationalists in 1945. Although the Taiwanese were pleased to be released from Japanese colonial status, they were disenchanted with their new rulers, who could only gain control of the island by means of a bloody war costing between 10,000 and 20,000 lives. To perpetuate their control, the Chinese have taken various measures to exclude the Taiwanese from any meaningful role in affairs of state. This has been accomplished by several means.

First, the Chinese Nationalists placed management of the economy in the hands of skilled administrators, and gave them a relatively free hand and massive amounts of U.S. aid. The result has been a healthy economy and a quiescent population.

In addition, martial law was instituted in 1949, and remains in effect today. The politics of the island is largely under the control of the Taiwan Garrison Command, which arrests and imprisons those who attempt to assert their rights to participate in government. Examples of such arrests have already been cited. To further intimidate the population detainees are occasionally executed. Other political activists are pointedly reminded about these executions by those administering the martial law. Needless to say, under these circumstances it is a rare individual who will assert his or her right to participate in government as set forth in article 21 of the Universal Declaration.

The only operating political organization in Taiwan is the Chinese Nationalist Party (Kuomintang/KMT). This organization is not a party in the western sense of the word. It was organized in the 1920s in China according to Leninist principles under Bolshevik supervision. Thus, membership in the Party is available only to chosen individuals, who comprise the island's political elite. Nor is there democracy within the Party, which is controlled by the Central Standing Committee (CSC) under a Party Chairman. The latter position has been hereditary. The CSC is comprised of 27 men (no women), almost all from mainland China. They are appointed by the Chairman and "approved" by the Party Congress.

In any institution, enterprise or village, the Party members are the key. Like parties in communist countries, they function along with the secret police as the eyes and ears of the government. The Party is also a device for controlling the social elite. Membership in the Party is not quite as restrictive as membership in parties in communist countries. People are sometimes pressured to join and do so reluctantly.

It occasionally happens that a dissident is elected to office. However, if he or she persists in opposing the government the post may be declared appointive (as happened with the mayorships of the two largest cities), or the officeholder may be impeached (as happened to Taoyuan county magistrate Hsu Hsin-liang), or he may be imprisoned (as was the fate of legislators Huang Hsin-chieh, Chang Chun-hung, and Lin Yi-hsiung). It should also be noted that if a dissident runs for office and *loses* (as happens quite often due to the rigged nature of the

Like parties in communist countries, the Kuomintang functions along with the secret police as the eyes and ears of the government.

system) he is very likely to be arrested. Three losers were arrested following last December's elections: former National Assemblyman Chang Ch'un-nan, National Assembly candidate Liu Feng-sung, and Legislative Yuan candidate Ms. Ts'ao Hung Chiao-o.¹⁶

Rights of accused persons and treatment of prisoners. As a practical matter there is no distinction between an accused person and a convicted person, so these two answers will be combined.

Some progress in respecting the rights of accused and convicted persons has been made since the early years of the Taipei regime. Before a person is sentenced there is usually

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some sort of hearing (if not a trial in the strict sense of the word). Defendants customarily have legal representation, though lawyers do not always get across the defendant's side of things. The decision as to "guilt" and sentence seems to be made independently of these hearings. Judgments as to "facts" are often based on confessions extracted after long periods of physical and mental duress. The leaders occasionally issue statements to the effect that torture is not to be permitted, but there always seems to be a need for such statements to be repeated. (See note 7.) There can be no doubt that some of the "Kaohsiung Eight" were tortured. More recently an alleged murderer of a policeman is supposed to have committed suicide by banging his head against a wall "when the police were trying to subdue him" (according to the *Taiwan Daily News*).¹⁶ While it is conceivable that the official version of the affair is accurate, the Chinese Nationalists' record in such matters obliges us to be skeptical.

Could you compare the human rights situation on Taiwan with that on the mainland of China?

Comparing human rights records of different states is hazardous, and if attempted at all is best done according to rigorous scientific standards. One must be precise as to what rights one is measuring, and what time-frame is being examined. Because of the difficulty of obtaining data (especially regarding the People's Republic of China), few social scientists have attempted this sort of exercise.

One study was undertaken a few years ago, focusing upon political imprisonment in all countries during 1976 and 1977.¹⁷ The data were admittedly crude and one was warned to treat the results of the study with caution. Nonetheless, the findings may be of interest to the committee.

To summarize and simplify the results, about fifty countries were found to have had a higher rate of political imprisonment than Taiwan, and perhaps one hundred countries had superior records. It was not possible to rank the People's Republic of China (PRC) on this scale due to lack of data and the rapid changes taking place in China in the wake of the radicals' downfall. There can be little doubt that *at that time* the country had a higher incidence of political imprisonment than Taiwan. However, since that time vast numbers of political detainees have been released from Chinese prisons. On the other hand, that period was a relatively liberal one in Taiwan (a commutation of prisoners' sentences had been carried out following the death of Chiang Kai-shek); Taiwan normally ranks higher on the political imprisonment scale than it did in 1976-77. I would not be able to say whether it ranks higher than

the PRC today, but the two are probably in the same general range.

Freedom House ranks countries according to somewhat broader criteria. On a scale of 1 (best) to 7 (worst), the two lands are given the same ranking in 1980 for civil liberties (6-). For political rights, Taiwan is given a slightly better rating (5) than the PRC (6), though it is difficult for me to see that Taiwan's political process is significantly more open than the PRC's at the present time. Notwithstanding the nearness on the scale, Taiwan's status is indicated as "partly free," whereas the PRC is termed "not free."¹⁸

But none of these general ratings is intended to be precise, and comparisons can be misleading. A more complex picture would emerge if we were to compare specific rights in the two lands. On the publishing of dissident journals, for example, Taiwan's record is slightly better than the PRC's. There have been numerous such magazines in Taiwan over the years, and many of them have been highly professional in content and appearance (even though none has ever been permitted to survive very long). In China, the dissident publications have

If an elected official opposes the Chinese Nationalists his post may be declared appointive, or he may be impeached or imprisoned.

generally been crude mimeographed papers or hand-written wall posters. In both lands, those who authored the more "unacceptable" essays have been subject to imprisonment.

But if we are to compare the rights of national minorities in the two countries, the People's Republic of China may have a slightly better record. True, ethnic minorities are usually very poor and neglected in China, but they are not subjected to the kind of gross exploitation and abuse that they are in Taiwan. In talks about this problem with Chinese Nationalist officials, I have been exposed to levels of bigotry the likes of which I have never seen anywhere else.

To look at a quite different type of right, this is what the Universal Declaration says about property rights:

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Except for political dissenters (on which more later), the right to retain property is given greater emphasis in Taiwan than in the PRC, and indeed is the basis of the economic system. The PRC, on the other hand, prohibits the amassing of wealth on a large scale, and rather emphasizes economic egalitarianism (though less so now than during the lifetime of Mao Zedong). However, each peasant is allowed a small garden and a house. In my view, both countries now meet the requirements of Article 17 with the important exception of political dissenters in Taiwan.

If a Taiwanese is convicted of "sedition," his family may be deprived of their property (with a portion of the estate going to informers). This punishment was specified in the case of many of the "Kaohsiung" defendants, for example. It is my

impression that these sanctions are usually not actually carried out. Rather, the threat of property deprivation is used to silence prisoners' families, prevent them from contacting international human rights organizations, etc. Of course, in order to make the threat real, it is necessary to impose it on occasion. Thus, at least one of the families of defendants in the above-described case of Rev. Kao Chun-ming et al. has been affected. Ms. Lin Wen-chen, a graduate of New York's Juilliard School of Music and president of the Calvin Theological College for Women, held in her name considerable real estate in trust for various of her relatives. Last fall the government auctioned off some of the more valuable pieces of property.¹⁹

It should be cautioned again that these comparisons between the human rights situations in Taiwan and the PRC are offered reluctantly and are highly impressionistic. A human rights violation is a human rights violation, and the behavior of some other government does not make it less or more serious.

What are the implications of the human rights situation for the political stability, military security and economic well-being of all the people on Taiwan.

Economic well-being. Taiwan is a prosperous island, but the experience of other countries suggests that a democratic Taiwan would be even more affluent than it is today. One important improvement would probably be the legalization of a trade union movement. Factory workers are now underpaid and have substandard working conditions. Unions are sorely needed to prevent abuses of workers by employers, and to raise living standards.

Political stability. Dictatorships are inherently unstable because the ruling group is in a position to prevent normal change, and it is usually in the rulers' interests to do so. Thus, necessary changes are postponed until the cumulative pressures are so great that the regime can no longer withstand them. Often the regime itself crumbles at that point. At any rate, there

For civil liberties, the conservative Freedom House ranks Taiwan and Communist China equally.

is bound to be serious social upheaval with no certainty that the wishes of the majority will prevail. Events in Iran in the 1970s are a textbook example of the instability which human rights deprivation can generate.

Like Iran under the Shah, Taiwan *appears* to have been very stable in recent decades. Appearances, however, are deceptive. The facade of stability has been purchased at the price of much human suffering. Time and again the ruling group has had to resort to terrorism to perpetuate their rule. Torture may not be quite as common in Taiwan as it was in Iran, but it and lesser forms of intimidation have been essential to the fabric of Taiwan's "stability." Such a fabric never holds together indefinitely.

Were the people of Taiwan allowed to determine their destiny by means of a free electoral process, there is every reason to believe that a genuine stability would replace the

superficial stability which now exists. The Taiwanese are a well-educated people, and there is a pervasive feeling in society that political excesses must be avoided in view of external threats.

Military security. It is my view, however, that the above-mentioned threat would recede once the Taiwanese gained their human rights. Given a free choice, the people would almost certainly abandon the *raison d'état* of recovering China. Thus, one of the two most destabilizing factors in the region would be eliminated.

The second such factor, China's claim to Taiwan, would not vanish as quickly, and some feel that a declaration of Taiwan independence would only intensify Beijing's resolve. I believe that a continued implicit U.S. commitment to defend the island would make any immediate move on China's part unthinkable, and in due course the Chinese would probably forget about the claim to Taiwan, as they have done with regard to Mongolia.

In short, nothing would do more to enhance the stability of the island and the region than the realization by the Taiwanese people of their human rights. Failing that, we can expect the Chinese Nationalists to continue their bellicose posture toward the People's Republic of China in the fanciful expectation that they will be in a position to pick up the pieces when war breaks out or the communist regime collapses.²⁰

What are the implications for U.S. Policy?

If an East Asian upheaval is the Chinese Nationalists' dream, it would be a nightmare for everyone else, including the United States. We should only want for the people of Taiwan what they want for themselves. Thus, we should not take sides on the burning political issues, but rather should insist that Taiwan's native and mainland residents be granted their political rights so that they can decide these issues. This means pressing for the release of all non-violent political prisoners, and permitting total freedom of the media (including the airways). Until the Chinese Nationalists meet their minimal obligations under the Universal Declaration of Human Rights, we should withhold all military, economic and moral support. After the Taiwanese people have made their free choice, we should assist the resultant government, if it should wish us to, with due regard to

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sensitivities in the People's Republic of China. If the new leaders are Taiwanese (as is likely to be the case), we should encourage them to respect the rights of individual Chinese Nationalists, and to be scrupulously fair in trying and punishing any who have committed actual crimes. In general, there is every reason to believe that the Taiwanese and resident Chinese mainlanders can live in harmony.

America has no significant security problems in this area. Even a neutral Taiwan should be perfectly acceptable to us. We

do have economic interests, but it is unlikely that a popular government would expropriate foreign enterprises. Although there are some socialist-inclined leaders in the non-party movement, their preferred model is nothing more threatening than Sweden. It is true that foreign (and locally-owned) enterprises would have to pay higher wages after unions were legalized. However, this would have benefits for American industry by preventing Taiwan companies from exporting goods at abnormally low prices. Indeed, there would be great benefit for American workers if their counterparts in places like Taiwan were permitted to engage in free collective bargaining.

In short, the United States has everything to gain and nothing to lose from the realization by the Taiwan people of their human rights.

NOTES

¹On March 24, Legal Affairs Minister Li Yuan-zu announced that no amnesty for prisoners was under consideration at the present time. *China Post* (Taipei), March 25, 1981.

²*China Post*, February 25, 28 and March 7, 1981.

³*China Post*, March 4, 1981.

⁴*Taiwan Communique*, March 28, 1981. (Published by the International Committee for Human Rights in Taiwan, P.O. Box 5205, Seattle WA 98105.)

⁵On this point, see letter by Prof. Harry Hsiao in the no. 6/7 issue of *SPEAHRhead: Bulletin of the Society for the Protection of East Asians' Human Rights*.

⁶A translation of the complete transcript of the Kaohsiung rally, with commentary explaining the events of the evening, has been published jointly by the International Committee for Human Rights in Taiwan (see note 4) and the Society for the Protection of East Asians' Human Rights (see note 5).

⁷Most recently, Legal Affairs Minister Li Yuan-zu's statement to the Legislative Yuan, March 24, 1981 (as paraphrased by the *China Post*, March 25, 1981): "The government has from time to time ordered all security, police and prison administrations not to torture suspects and prisoners. If a suspect or prisoner is found to have been tortured, the torturer and the organization he is attached to will be severely punished."

The previous week, Li had made another statement on the subject. Confessions, he said, would not be the sole basis of convictions, and the public was encouraged to inform the government of torture incidents. *China Post*, 18 March, 1981.

⁸"Grim News from Turtle Mountain," *SPEAHRhead*, no. 9, opposite p. 17 (see note 5.)

⁹Unlike most Catholics, the Maryknoll order is not looked upon with favor by the government. Many members are prohibited from reentering Taiwan.

¹⁰In 1975, 2,200 Bibles in the Taiwanese phonetic language were confiscated by the authorities. A small fraction of these were subsequently returned. Bibles in aboriginal languages have also been confiscated.

¹¹*Far Eastern Economic Review*, May 23, 1980.

¹²The relevant documentation (covering the years 1971-1978) is contained in a pamphlet "The Presbyterian Church in Taiwan Under the Cross," prepared by Formosan Christians for Self-determination, New York 10115.

¹³Trial observer Prof. James M. Phillips of the San Francisco Theological Seminary has prepared a detailed report of the trial, which provides considerable background information. See *SPEAHRhead* no. 6/7, pp. 6-13.

¹⁴Li Pi-te, "A New Form of Communist Organization and the Church," *Intellectual*, February 1981.

¹⁵Copies and sometimes whole press runs of the publication are "lost" in the mail. Also, anti-church propaganda is occasionally inserted in the envelope containing the newspaper while it is in the mail.

¹⁶*China Post*, April 1 and 2, 1981.

Politics at the very local (village) level is somewhat less rigidly controlled. See J. Bruce Jacobs, *Local Politics in a Rural Chinese Cultural Setting: A Field Study of Mazu Township, Taiwan* (Contemporary China Centre, Research School of Pacific Studies, Australian National University, 1918).

¹⁷James D. Seymour, "Indices of Political Imprisonment," *Universal Human Rights*, Jan.-Mar. 1979.

¹⁸Raymond D. Gastil, "The Comparative Survey of Freedom—The Ninth Year," *Freedom at Issue*, Jan.-Feb. 1981. (Published by Freedom House, 20 West 40 St., New York NY 10018.)

¹⁹*Taiwan Church News*, January 4, 1981.

²⁰The Chinese Nationalist press continually promises that the end of the Chinese Communist government is at hand. For example, the lead headline of the February 21, 1981 *China Post* reads: "Peiping regime will soon collapse due to serious internal struggles."